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(not for service)

August 9, 2024

By ECF

Honorable Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *J.L. v. NYC Dep't of Education.*, 17-CV-7150 (DLC)

Your Honor:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York assigned to represent Defendant New York City Department of Education ("DOE") in the above-referenced matter, in which Plaintiffs, parents on behalf of two students, allege that their rights were violated due to alleged systemic delays in providing coordinated nursing and transportation services.

I write jointly on behalf of all the parties to advise the Court that at the settlement conference held in the matter before Magistrate Judge Parker on August 1, 2024, the parties have reached a settlement agreement in principle to resolve the remaining money damages claims, exclusive of attorney's fees and costs, for both Plaintiffs. The parties are currently drafting and will be submitting under separate cover a stipulation of settlement of Plaintiffs' damages claims.

Accordingly, the parties jointly respectfully request that the Court adjourn *sine die* the remaining deadlines for the pretrial submissions and trial in the matter, including the September 17, 2024 deadline to submit their joint pretrial order ("JPTO") and pretrial submissions and the October 2024 trial ready date.

With respect to Plaintiffs' claim for attorneys' fees and costs, Plaintiffs recently made a formal settlement demand. Plaintiffs have advised Judge Parker at the August 1, 2024 settlement conference that they will produce to Defendants their billing records and timesheets by

August 16, 2024. This will allow Plaintiffs sufficient time to review the billing entries for any attorney-client privilege. And once Plaintiffs provide Defendants with their billing records, Defendants will require time to analyze the records and to obtain settlement authority. Thereafter, the parties will engage in settlement negotiations in an effort to resolve Plaintiffs' fees and costs without court intervention.

In the event that the parties are unable to resolve the attorneys' fees by October 31, 2024, the parties respectfully propose, as they agreed at the August 1, 2024 settlement conference, that they submit a joint letter to the Court by that date with a proposed briefing schedule on Plaintiffs' fees and costs.

Accordingly, and in light of the parties' recent settlement in principle of Plaintiffs' damages claims, the parties jointly respectfully request that the Court: (1) adjourn *sine die* the remaining deadlines for the pretrial submissions and trial in the matter, including the September 17, 2024 deadline to submit their JPTO and pretrial submissions and the October 2024 trial ready date; and (2) grant the parties' request to submit a letter to the Court by October 31, 2024, with a proposed briefing schedule on Plaintiffs' attorneys' fees and costs, in the event that the parties are unable to resolve the fees by that date.

The parties thank the Court for its consideration of the within.

Respectfully submitted,

/s/

Philip S. Frank
Assistant Corporation Counsel

cc: All counsel (via ECF)

The parties shall by September 20, 2024
file a proposed settlement of all issues
but for attorneys' fees. The plaintiffs' motion
for attorneys' fees is due November 8, 2024.
Response is due November 6; reply is due
November 20.
James Cole
August 16, 2024